

DETAILED ACTION

This Office Action is a response to Applicant's Amendment and Remarks filed September 1, 2009 and December 16, 2008.

Claims 1-6 and 17 have been canceled. New claims 18-20 are acknowledged. Claims 7-16 have been amended.

Claims 7-16 and 18-20 are pending in the instant application.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Election/Restrictions

This application contains claims 11-16 drawn to an invention nonelected with traverse in the reply filed on April 11, 2008. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Accordingly, claims 7-10 and 18-20 have been examined on the merits.

Response to Amendment

Applicant's Amendment filed September 1, 2009 is acknowledged. It is noted that the instant application is in compliance with the sequence requirements of 37 C.F.R. §1.821-1.825.

Information Disclosure Statement

Applicant's information disclosure statement filed December 16, 2008 is acknowledged. The submission is in compliance with the provisions of 37 CFR §1.97. Accordingly, the Examiner has considered the information disclosure statement, and a signed copy is enclosed herewith.

Specification

In the previous Office Action mailed July 16, 2008, the specification was objected to because the disclosure contained embedded hyperlinks and/or other forms of browser-executable code that are impermissible and must be deleted. **This objection is withdrawn** in view of Applicant's Amendment filed December 16, 2008. Specifically, the Examiner is withdrawing this objection in view of Applicant's Amendment to the specification to delete embedded hyperlinks.

Double Patenting

In the previous Office Action mailed July 16, 2008, claims 7-10 were rejected as conflicting with claims 7, 8, 13 and 14 of Application No. 11/630,076. **This rejection is withdrawn** in view of the fact that Application No. 11/630,076 has been abandoned and is no longer a pending application.

Claim Rejections - 35 USC § 101

In the previous Office Action mailed July 16, 2008, claims 7-10 were rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 7, 8, 13 and 14 of Application No. 11/630,076. **This rejection is withdrawn** in view of the fact that Application No. 11/630,076 has been abandoned and is no longer a pending application.

Claim Rejections - 35 USC § 112

In the previous Office Action mailed July 16, 2008, claims 7-10 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. **This rejection is withdrawn** in view of Applicant's Amendment filed December 2008. Specifically, the Examiner is withdrawing this rejection in view of Applicant's Amendment to the claims to spell out the term, "LAPTM4B". Also, this rejection is withdrawn in view of Applicant's Amendment to the claims to provide a clear nexus between the purpose of the claim as stated in the preamble and the last method step.

In the previous Office Action mailed July 16, 2008, claims 7-10 were rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. **This rejection is withdrawn** in view of Applicant's Amendment filed December 2008. Specifically, the Examiner is withdrawing this rejection in view of

Applicant's Amendment to the claims to further describe LAPTM4B by reference to SEQ ID NO:1.

Applicant's Amendment filed December 16, 2008 necessitated the new ground(s) of rejection presented below:

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 18 and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 18 and 19 recite the limitation, "said LAPTM4B molecule". There is insufficient antecedent basis for this limitation in the claim because claim 7, from which claims 18 and 19 depend never makes reference to the term, "LATPM4B molecule". Appropriate correction is required.

Allowable Subject Matter

Claims 7-10 and 20 are allowable. Claims 7-10 and 20 are allowable because the prior art does not teach or fairly suggest a method for identifying a gamma-secretase and/or a beta-secretase modulator, comprising (a) contacting a molecule with LAPTM4B (lysosomal associated transmembrane protein 4 beta protein) that has at

least 90% identity with the amino acid sequence of SEQ ID NO:1 and (b) determining whether said molecule increases or decreases gamma-secretase and/or beta-secretase activity, thereby identifying a molecule that modulates gamma-secretase and/or a beta-secretase; wherein said LAPTM4B has at least 90% identity with the amino acid sequence of SEQ ID NO:1, wherein the ability of said molecule to increase or decrease gamma-secretase and/or beta-secretase activity is determined, and wherein the production of Abeta-42 or A β 1-42 is measured.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Terra C. Gibbs whose telephone number is 571-272-0758. The examiner can normally be reached from 9 am - 5 pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sajjadi, Fereydoun G. can be reached on 571-272-3311. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Application/Control Number: 10/594,213
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March 24, 2010
/Terra Cotta Gibbs/

/Sean R McGarry/

Primary Examiner, Art Unit 1635